

THE LAW OFFICE OF GREGORY A. FERREN, LLC

Gregory A. Ferren, Bar No. 6476  
92-1075 Koio Drive, Suite A  
Kapolei, Hawai'i 96707  
Telephone: (808) 947-1605  
Facsimile: (888) 705-0511  
E-Mail: greg@ferrenlaw.com

Attorney for Plaintiffs  
AVID AMIRI, Individually and as  
Trustee of the DEUTSCHE  
INTERNATIONAL TRUST II

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

AVID AMIRI, Individually and as	)	Case No. 19-cv-373 JAO-RT
Trustee of the DEUTSCHE	)	
INTERNATIONAL TRUST II,	)	
	)	PLAINTIFF'S SCHEDULING
Plaintiffs,	)	CONFERENCE STATEMENT;
vs.	)	CERTIFICATE OF SERVICE
	)	
COUNTY OF MAUI; DOE	)	
DEFENDANTS 1-100,	)	
	)	
Defendants.	)	
	)	
	)	

---

PLAINTIFF'S SCHEDULING CONFERENCE STATEMENT

COMES NOW, Plaintiff Avid Amiri, Individually and as Trustee of the  
Deutsche International Trust II, by and through his attorney, and, pursuant to Local

Rule 16.2, submits this Scheduling Conference Statement.

## **I. NATURE OF THE CASE**

Plaintiff Avid Amiri (“Amiri”) is a citizen and resident of the State of Utah and the trustee and beneficiary of the Deutsche International Trust II (“DIT”), a Utah revocable trust. DIT owns, and at all relevant times did own, real property located at 372 Puu Way, Haiku, Maui 96707 (the “Property”). On or around August 24, 2018, a culvert located near the Property failed, causing the only road that provided access to the Property to be completely washed out. As a result of the failure of the culvert, the Property became landlocked.

Upon information and belief, the design, construction, and/or maintenance of the culvert and/or road was defective and/or insufficient for its location, and/or Defendant County of Maui (“County”) failed to act in a reasonable manner in connection with the design, construction, and/or maintenance of the culvert and/or road.

In media reports of the incident, Director of Public Works, David Goode, admitted that the County was in fact negligent in its maintenance of the culvert. Specifically, Mr. Goode was quoted as stating that “the two 72-inch-diameter corrugated drainage pipes under the road had reached the end of their useful life”, and that “[a]t Waha Place downstream, two 96-inch culverts were installed four years ago” which “seemed to do OK” during the August 24, 2018 storm.

In addition, following the incident, the County has failed to take reasonable steps to repair and replace the culvert or otherwise restore access to the Property. It took approximately one year for reasonable access to be restored.

As a result of the County's negligence, Plaintiff suffered damages that include, but are not limited to, loss of rental income, loss in the value of the Property, general deterioration of the both the Property and personal property contained therein as a result of the lack of access, and a burglary that occurred that was made possible by the fact that the Property was isolated and landlocked.

Plaintiff provided written notice of their claims pursuant to H.R.S. § 46-72 on December 17, 2019. Plaintiff was notified of the County's denial of the claim by letter dated February 19, 2019.

## **II. JURISDICTION AND VENUE**

This Court has jurisdiction pursuant to 28 U.S.C § 1332 in that there is complete diversity of citizenship between the Plaintiff and the Defendant, and because this suit involves an amount in controversy which exceeds \$75,000 for each claim asserted exclusive of interest, costs, or attorney's fees. Venue is proper pursuant to 28 U.S.C. § 1391 because the incidents that form the basis of this suit and all of the unlawful practices and torts alleged herein occurred within the State of Hawaii and/or caused injury in the State of Hawaii, and within this District.

### **III. TRIAL**

Jury trial has been demanded.

### **IV. DISCLOSURES**

The parties have agreed to make initial disclosures pursuant to FRCP Rule 26 on September 18, 2019.

### **V. DISCOVERY**

There has been no discovery to date.

### **VI. SPECIAL PROCEDURES AND OTHER MATTERS**

Plaintiff does not anticipate any special proceedings.

### **VII. RELATED CASES**

Plaintiff is not aware of any related cases.

### **VIII. ADDITIONAL MATTERS**

Plaintiff is not aware of any additional matters that should be brought to the Court's attention at this time.

DATED: Honolulu, Hawaii, September 2, 2019.

/s/ Gregory A. Ferren  
Gregory A. Ferren  
Attorney for Plaintiff